

TENTATIVE RULINGS

CIVIL / FAMILY LAW CASE MANAGEMENT CALENDAR

For: 11/03/2008 Monday Dept: 1A

(Posted 10/30/08)

Tentative Rulings are proposed as orders to be issued at the hearing and are posted in advance for the convenience of the parties and their counsel. Any party objecting to the tentative ruling should promptly notify the opposing party of the substance of the objection with sufficient time to allow all parties, or their attorneys of record, to appear in person or by telephone at the scheduled hearing. Absent objection, the Court routinely adopts the tentative ruling as posted. Failures to appear, absent an order to appear, are deemed consent to the tentative ruling.

1. **1:00 PM** Case: CF7811 [M] BANK OF AMERICA NA v SCHMOLLINGER
Type: COLLECTIONS Date Filed: 12/03/07
Priority Info: RULE 3.740
Event: CASE MANAGEMENT CONFERENCE-CIVIL
Event: CONT'D OSC RE: FILING COMPLIANCE
VACATE IF ALL POS/ANSWERS ARE FILED

PLNTFF: BANK OF AMERICA, N.A. ATTY: ZIDE, FLINT C. ESQ
DEFNDT: SCHMOLLINGER, ALEISHA L.

Tentative Ruling: The plaintiff has not filed a proper Proof of Service as to all named defendants. Plaintiff must file a proper Proof of Service prior to the next hearing. The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 3/2/09.

2. **1:00 PM** Case: CF7875 [M] MYERS v ENVIRONMENTAL PROFESS
Type: PI/PD - MV Date Filed: 01/22/08
Priority Info: RECLASSIFIED TO UNLIMITED
Event: TRIAL SETTING AFTER ARBITRATION
\$140 FEE FOR RECLASSIFICATION HAS NOT
BEEN PAID

PLNTFF: MYERS, LURLENE ATTY: ASH, CYRIL ESQ
PLNTFF: SIMONETTI, RON ATTY: ASH, CYRIL ESQ
PLNTFF: HENRY, MARY ATTY: ASH, CYRIL ESQ
PLNTFF: WOODS, CORY ATTY: ASH, CYRIL ESQ
DEFNDT: ENVIRONMENTAL PROFESSIONAL ASSOCI ATTY: GORDON & REES LLP
Service Date/Type: 03/07/08 NAR Answer Date: 04/15/08
DEFNDT: ANAYA-RAMOS, FAUSTINO ATTY: GORDON & REES LLP
Service Date/Type: 00/00/00 Answer Date: 04/15/08

Tentative Ruling: Plaintiff has filed a Notice of Settlement. The court vacates all future court hearings and sets the matter for Court's Motion to Dismiss pursuant to Cal Rules 3.1385 in Dept. 1A at 1:00 PM on 2/2/09.

///

3. 1:00 PM Case: CF7974 [M] BANK OF AMERICA v MEDEIROS
Type: COLLECTIONS Date Filed: 03/25/08
Priority Info: RULE 3.740
Event: OSC RE: FILING COMPLIANCE
VACATE IF ALL POS/ANSWERS ARE FILED

PLNTFF: BANK OF AMERICA ATTY: HUNT & HENRIQUES
DEFNDT: MEDEIROS, ANDY N

Tentative Ruling: The plaintiff has not filed a proper Proof of Service as to all named defendants. Plaintiff must file a proper Proof of Service prior to the next hearing. The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 3/2/09.

4. 1:00 PM Case: CF8006 [M] ATLANTIC CREDIT v WALTERS
Type: COLLECTIONS Date Filed: 04/11/08
Priority Info: RULE 3.740
Event: OSC RE: FILING COMPLIANCE
VACATE IF ALL POS/ANSWERS ARE FILED

PLNTFF: ATLANTIC CREDIT AND FINANCE INC ATTY: COHN, GEORGE L ESQ
DEFNDT: WALTERS, ERIN C

Tentative Ruling: The plaintiff has not filed a proper Proof of Service as to all named defendants. Plaintiff must file a proper Proof of Service prior to the next hearing. The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 3/2/09.

5. 1:00 PM Case: CF8007 [M] ATLANTIC CREDIT v WIESS
Type: COLLECTIONS Date Filed: 04/11/08
Priority Info: RULE 3.40
Event: OSC RE: FILING COMPLIANCE
VACATE IF ALL POS/ANSWERS ARE FILED

PLNTFF: ATLANTIC CREDIT AND FINANCE INC ATTY: COHN, GEORGE L ESQ
DEFNDT: WIESS, JUNE

Tentative Ruling: The plaintiff has not filed a proper Proof of Service as to all named defendants. Plaintiff must file a proper Proof of Service prior to the next hearing. The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 3/2/09.

///

6. 1:00 PM Case: CF8179 [M] CAPITAL ONE BANK v LEVI
Type: COLLECTIONS Date Filed: 08/20/08
Priority Info: RULE 3.740
Event: CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: CAPITAL ONE BANK USA NA ATTY: PATENAUDE & FELIX
DEFNDT: LEVI, WESLEY ATTY: IN PRO PER
Service Date/Type: 09/05/08 SUB Answer Date: 10/02/08

Tentative Ruling: The case is At-Issue and is set for Trial in Dept. 2 approximately 120 days out. The clerk's office shall provide a pretrial order with dates and times. Estimated trial length: 2 hour court trial.

7. 1:00 PM Case: CF8206 [M] DISCOVER BANK v SLONIKER
Type: COLLECTIONS Date Filed: 09/05/08
Event: CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: DISCOVER BANK ATTY: MANN BRACKEN LLP
DEFNDT: SLONIKER, SARI ATTY: IN PRO PER
Service Date/Type: 09/23/08 PER 00/00/00

Tentative Ruling: The case is At-Issue and is set for Trial in Dept. 2 approximately 120 days out. The clerk's office shall provide a pretrial order with dates and times. Estimated trial length: 1 day court trial.

8. 1:00 PM Case: CV31953 [S] ELLINGTON v L&S CONSTRUCTION
Type: PI-NON MOTOR VEHICLE Date Filed: 08/24/05
Event: COURT'S MOTION TO DISMISS PER CCP583.410

PLNTFF: ELLINGTON, KEVIN ATTY: IN PRO PER
DEFNDT: L&S CONSTRUCTION
DEFNDT: DOWNING, STEVE
DEFNDT: DOWNING, LORI
DEFNDT: JORDAN, TOBI
DEFNDT: JORDAN, JOHN
DEFNDT: JORDAN, BETTY

Tentative Ruling: Pursuant to CCP § 583.410 the matter must be dismissed as the Summons has not been served within 3 years of the commencement of this action. Wherefore, the matter is dismissed without prejudice.

9. 1:00 PM Case: CV34146 [S] FOSTER v BRET HARTE UHSD
Type: PI-NON MOTOR VEHICLE Date Filed: 10/12/07
Event: TRIAL SETTING

PLNTFF: FOSTER, LOYCE ATTY: YOUNG.WARD ATTORNEYS
DEFNDT: BRET HARTE UNION HIGH SCHOOL DIST
Service Date/Type: 10/29/07 PER 00/00/00

Tentative Ruling: The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 3/2/09.

10. 1:00 PM Case: CV34530 [S] SCRIBNER v SCRIBNER
Type: DAMAGES-NON TORT Date Filed: 03/20/08
Event: FURTHER CASE MANAGEMENT CONF-CIVIL
STAYED PENDING JUDGMENT CV33763

Related cases NOT on this calendar: CV33763 ,
PLNTFF: SCRIBNER, DONNA ATTY: IN PRO PER
DEFNDT: SCRIBNER, JIM ATTY: AIROLA & AIROLA
Service Date/Type: 05/07/08 NAR 00/00/00

Tentative Ruling: This matter is stayed pending stipulation or order of the court. The next Case Management hearing shall be in Dept. 1A at 1:00PM on 5/4/09.

11. 1:00 PM Case: CV34588 [S] GENERAL ELECTRIC CO. v GOLD WEST CONST.
Type: BREACH OF CONTRACT Date Filed: 04/11/08
Priority Info: RULE 3.740
Event: OSC RE: FILING COMPLIANCE
VACATE IF ALL POS/ANSWERS ARE FILED
CRC 3.740

PLNTFF: GENERAL ELECTRIC COMPANY ATTY: REYNOLDS INC, KENNETH R.
PLNTFF: GE CONSUMER & INDUSTRIAL PRODUCTS ATTY: REYNOLDS INC, KENNETH R.
F/DBA: GE APPLIANCE DIVISION
DEFNDT: GOLD WEST CONSTRUCTION INC.
Service Date/Type: 10/02/08 PER 00/00/00
DEFNDT: VLD REALTY GROUP LLC
Service Date/Type: 10/02/08 PER 00/00/00
DEFNDT: DOUBINSKI, LEONARD

Tentative Ruling: The Proof of Service on Doubinski is defective as the first name of the person served does not match that of the named defendant. The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 3/2/09.

12. 2:00 PM Case: CV31982 [S] PISECKI v PISECKI JR
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 09/08/05
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

Related cases NOT on this calendar: CV34463 ,
PETNR: PISECKI, ANDREA N ATTY: MOORE, ROBERT G. ESQ
MINOR: PISECKI MINORS P.D.: RUSSO (P.D.), ARLEEN ESQ.
RESP: PISECKI, MICHAEL P JR
Service Date/Type: 09/19/05 PER 00/00/00

Tentative Ruling: There is Proof of Service but no Response (FL-120) or Default (FL-165). Prior to the next CMC, unless a Response is filed, Petitioner must file the Request for Default or dismiss the action. The CMC is set for Dept 1A at 2:00 PM on 3/2/09.

///

13. 2:00 PM Case: CV32882 [S] FRANKLIN v FRANKLIN
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 08/04/06
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: FRANKLIN, ANDREA ATTY: VALEN, MARK ESQ
RESP: FRANKLIN, JOHN C. ATTY: GEE, DOUGLAS M. ESQ
Service Date/Type: 00/00/00 Answer Date: 09/12/06
CLAMNT: WESTERN CONFERENCE OF TEAMSTERS P

Tentative Ruling: The matter is set for Settlement and Trial Setting Conference (See Local Rule 5.9(b)) with Settlement Conference Statements due 5 court days prior to hearing at 3:00 PM in Dept. 1A on 1/5/09.

14. 2:00 PM Case: CV32997 [S] KCLASS v KCLASS
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 09/18/06
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: KCLASS, NANNETTE ATTY: TRIFILO, JOHN J. ESQ
RESP: KCLASS, RONALD "RIVER" ATTY: YANKOVSKY, KRISTINE ESQ
Service Date/Type: 10/13/06 PER Answer Date: 10/10/07

Tentative Ruling: Counsel represent the matter may settle through private mediation. If no MSA is executed prior to the next hearing the following orders are effective. Petitioner is ordered to serve and file a Final Declaration of Disclosure (FL-141) prior to the next hearing. Respondent is ordered to serve and file a Final Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 3/2/09.

15. 2:00 PM Case: CV33193 [S] CRAIG v CUTHILL
Type: ESTABLISH PARENTAL RELATIONSHI Date Filed: 11/14/06
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

Related cases NOT on this calendar: CV31189 , CV31336 , CV31543 ,
CV31654 ,
PETNR: CRAIG, MERCEDES N ATTY: MOORE, ROBERT G. ESQ
RESP: CUTHILL, TREVOR A

Tentative Ruling: The petitioner has not filed a Proof of Service (FL-115) of the Summons and Petition with the court. The court cannot proceed with any orders until Proof of Service is filed. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 2/2/09.

///

16. 2:00 PM Case: CV33527 [S] JONES v JONES
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 03/14/07
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: JONES, KIMBERLY L ATTY: IN PRO PER
RESP: JONES, KEITH
Service Date/Type: 06/10/07 PER 00/00/00

Tentative Ruling: The Declaration of Disclosure document (FL-141) filed with the court is incomplete at paragraphs 2 and 3, rendering it ineffective. Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. If a final Judgment (FL-180) on all issues is on file prior to the next Case Management hearing the Case Management hearing will be vacated. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 2/2/09.

17. 2:00 PM Case: CV33603 [S] PETERSEN v PETERSEN
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 04/10/07
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

Related cases NOT on this calendar: CV33546 ,
PETNR: PETERSEN, GERALD W ATTY: MOORE, ROBERT G. ESQ
RESP: PETERSEN, SHEILA R ATTY: FOLEY, LAW OFFICES OF KENNETH
Service Date/Type: 04/10/07 PER Answer Date: 05/02/07

Tentative Ruling: The matter is set for Settlement and Trial Setting Conference (See Local Rule 5.9(b)) with Settlement Conference Statements due 5 court days prior to hearing at 3:00 PM in Dept. 1A on 1/5/09.

18. 2:00 PM Case: CV33689 [S] SCHUMMER v SCHUMMER
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 05/01/07
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: SCHUMMER, CYNTHIA J. ATTY: FOYIL, DAVID ESQ
RESP: SCHUMMER, DAVID F. ATTY: CILENTI, STEVEN ESQ
Service Date/Type: 06/05/07 NAR Answer Date: 11/13/07

Tentative Ruling: Counsel represent the matter may settle. If no MSA is executed prior to the next hearing the following orders are effective. Petitioner is ordered to serve and file a Final Declaration of Disclosure (FL-141) prior to the next hearing. Respondent is ordered to serve and file a Final Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 3/2/09.

///

19. 2:00 PM Case: CV33700 [S] STACY v STACY
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 05/09/07
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW
11/05/08 9:00 4 CSCSA'S MOTION RE MODIFICATION OF
CHILD SUPPORT (FR \$538 TO \$449)

PETNR: STACY, REBECCA ATTY: IN PRO PER
J/PRTY: COUNTY OF CALAVERAS D.A.: CENTRAL SIERRA CHILD SUPPORT
RESP: STACY, CLEO J.

Tentative Ruling: The petitioner has not filed a Proof of Service (FL-115) of the Summons and Petition with the court. The court cannot proceed with any orders until Proof of Service is filed. Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 2/2/09.

20. 2:00 PM Case: CV33839 [S] ROBINSON-STOKES v STOKES
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 06/27/07
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: ROBINSON-STOKES, LEAH M ATTY: IN PRO PER
RESP: STOKES, DANIEL J ATTY: IN PRO PER
Service Date/Type: 00/00/00 Answer Date: 10/11/07

Tentative Ruling: There are temporary custody and support orders. Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. Respondent is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 2/2/09.

21. 2:00 PM Case: CV34090 [S] FELICIANO v SHUMACHER
Type: ESTABLISH PARENTAL RELATION Date Filed: 09/21/07
Priority Info: CONFIDENTIAL FILE
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: FELICIANO, MEAGAN ATTY: IN PRO PER
RESP: SHUMACHER, ROBERT

Tentative Ruling: The petitioner has not filed a Proof of Service (FL-115) of the Summons and Petition with the court. The court cannot proceed with any orders until Proof of Service is filed. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 5/4/09.

///

22. 2:00 PM Case: CV34249 [S] PHILLIPS v PHILLIPS
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 11/29/07
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

Related cases NOT on this calendar: CV34939 , JW4730 ,
PETNR: PHILLIPS, GENEVIEVE ATTY: IN PRO PER
RESP: PHILLIPS, MARCUS
Service Date/Type: 01/17/08 PER 00/00/00

Tentative Ruling: Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. There is Proof of Service but no Response (FL-120) or Default (FL-165). Prior to the next CMC, unless a Response is filed, Petitioner must file the Request for Default or dismiss the action. The CMC is set for Dept 1A at 2:00 PM on 2/2/09.

23. 2:00 PM Case: CV34515 [S] STINNETT v STINNETT JR
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 03/17/08
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: STINNETT, LAURI ATTY: CALDERWOOD, BRUCE G ESQ
RESP: STINNETT JR, CHARLES ATTY: YANKOVSKY, KRISTINE ESQ
Service Date/Type: 00/00/00 Answer Date: 05/15/08

Tentative Ruling: There are temporary custody and support orders. Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. Respondent is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 2/2/09.

24. 2:00 PM Case: CV34546 [S] PAIZS v PAIZS
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 03/28/08
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: PAIZS, LORI ATTY: THOMAS, LAW OFFICES OF RANDY
RESP: PAIZS, BYRON ATTY: CLAIR & BOSSI
Service Date/Type: 04/08/08 PER Answer Date: 04/23/08

Tentative Ruling: There is a temporary support order. Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. Respondent is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 2/2/09.

///

25. 2:00 PM Case: CV34559 [S] NELSON v NELSON
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 04/01/08
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: NELSON, DEBRA ATTY: COTTRELL, STEVEN J ESQ
RESP: NELSON, MICHAEL J. ATTY: IN PRO PER
Service Date/Type: 04/16/08 PER Answer Date: 05/06/08

Tentative Ruling: Counsel represents the matter may settle. If no MSA is executed prior to the next hearing the following orders are effective. Petitioner is ordered to serve and file a Final Declaration of Disclosure (FL-141) prior to the next hearing. Respondent is ordered to serve and file a Final Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 2/2/09.

26. 3:00 PM Case: CV32467 [S] O'NEILL v O'NEILL
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 03/06/06
At-Issue Date: 00/00/00 Trial: 10/15/08 COURT TRIAL - LONG CAUSE
Event: SETTLEMENT CONFERENCE-ON REMAINING ISSUE

PETNR: O'NEILL, ROBERT C ATTY: CALDERWOOD, BRUCE G ESQ
RESP: O'NEILL, CHRISTI L ATTY: PAGE, HELEN O. ESQ
Service Date/Type: 00/00/00 Answer Date: 06/19/06

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.

27. 3:00 PM Case: CV33033 [S] CROSHAW v CROSHAW
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 09/27/06
Event: FURTHER SETTLEMENT CONFERENCE-FAMILY LAW

Related cases NOT on this calendar: CV33975 ,
PETNR: CROSHAW, TINA L. ATTY: TRIFILO, JOHN J. ESQ
RESP: CROSHAW, MICHAEL J. ATTY: VALEN, MARK ESQ
Service Date/Type: 10/05/06 NAR Answer Date: 11/07/06

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.

28. 3:00 PM Case: PR6825 [S] ESTATE OF RAMORINI
Type: LTRS TESTAMENTARY - ATA/IAEA Date Filed: 11/13/06
At-Issue Date: 00/00/00 Trial: 07/02/08 COURT TRIAL - SHORT CAUSE
Event: SETTLEMENT CONFERENCE/TRIAL SETTING ON
REVIEW OF PETITION DETERMINE OWNERSHIP AND CONDITIONAL SETTLEMENT

EXEC: RAMORINI, LORIN A ATTY: AIROLA & AIROLA
CONTST: COPELAND, SANDRA ATTY: ASH, CYRIL ESQ
DEC'D: RAMORINI, ADRIAN JOHN
AKA: RAMORINI, ADRIAN J
INT/PY: ASH, CYRIL R.

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.